

Annual 47 C.F.R. § 64.2009(e) CPNI Certification Template

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for **2010** covering the prior calendar year **2009**

1. Date filed: **2/11/2010**
2. Name of company(s) covered by this certification: **Noel Communications Inc.**
3. Form 499 Filer ID: **815602**
4. Name of signatory: **Jon Burns**
5. Title of signatory: **President**
6. Certification:

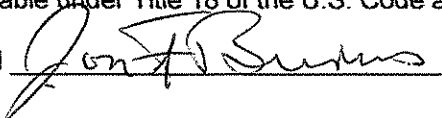
I, **Jon Burns**, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 et seq.

Following is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 et seq. of the Commission's rules: **Noel Communications Inc is a provider of broadband Internet service and private line transport via fiber optic and fixed microwave network infrastructure. Fiber optic Ethernet services are utilized by regional health care, government, educational, and business entities. No voice services are provided. There are no network connections to the Public Switched Telephone Network. Customer Account Information is maintained on secure servers and is accessible only by employees for billing purposes.**

The company has not taken actions (i.e., proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.

The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47. C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed  Feb 17, 2010

NOEL COMMUNICATION'S, INC.

STATEMENT OF PROCEDURES ADOPTED TO COMPLY WITH CUSTOMER PROPRIETY NETWORK INFORMATION REGULATIONS

Noel Communications, Inc. ("Noel") is a provider of broadband Internet service and private line transport via fiber optic and fixed microwave network infrastructure. Fiber optic Ethernet services are utilized by regional health care, government, educational and business entities. Noel does not provide any voice services. Its network is not connected to the Public Switched Telegraph Network. Customer Account Information is maintained on several servers and is accessible only to employees for billing purposes.

Noel has established and adheres to the following procedures and guidelines for manufacturing compliance with the provisions of 47 C.F.R. §§64.2001 *et. seq.* regarding the maintenance and use of customer proprietary network information ("CPNI").

1. **Requests for CPNI Access:** If an individual were to initiate a request of Noel in person or via telephone to accord him or her access to that person's CPNI, before releasing the requested CPNI, Noel must require that person to provide confirmation that such individual is actually the customer to whom the CPNI relates. Hence, as mandated by 47 C.F.R. §64.2010, if the request for CPNI is made in person, the Noel representative to whom the request is addressed must first insist that the requesting party present a valid photo ID that matches the customer's account information. If on the other hand, the request for CPNI is made by telephone, Noel's representative must first require the customer to provide his or her assigned password. In the event that the caller is unable to provide the password, Noel may only disclose call detail information by sending it to the customer's address of record or by calling the customer at the customer's telephone number of record. Noel recognizes that to establish a password for a customer, Noel must authenticate the customer without relying upon readily available geographical information or account information. Additionally, Noel confirms that while the CPNI regulations of the Federal Communications Commission permit it to create a back-up customer authentication method in the event of a lost or forgotten password, that method may not prompt the customer for readily available geographical information or account information. Lastly, Noel does not provide online access to its customers' CPNI.

2. **Restrictions on CPNI Use:** Except as expressly authorized pursuant to 47 C.F.R. §64.2005, or with a customer's approval, Noel's policy is not to use CPNI. Further, Noel's

policy is not to disclose or permit access to CPNI by any Noel affiliate or third party, or to engage in any third party sales or marketing campaign that involve the use of CPNI. Were Noel to elect in the future to engage in such activities, it would first ensure that its change in policy comports fully with the mandates of 47 C.F.R. §§64.2007, 64.2008, 64.2009, 64.2010 and 64.2011 and maintains all requisite records of any such sales and marketing campaigns.

3. **Change of Password, Back-up Means of Authentication, or Address of Record:** Noel is cognizant of the fact that, as required by 47 C.F.R. § 64.2010(f), it must immediately notify a customer whenever either a password, a customer response to a back-up means of authentication for password, or an address of record is created or changed. Such notification must and will be made by a message directed to the customer's telephone number of record or by mail to the customer's address of record.

4. **Notification of Law Enforcement of CPNI Breaches:** A CPNI breach is deemed to be an intentional gaining of access to, use, or unauthorized disclosure of CPNI. In the event of a CPNI breach, Noel will within seven (7) business days after a reasonable determination of such breach, electronically notify the United States Secret Service and the Federal Bureau of Investigation through a central reporting facility that may be accessed at <http://www.fcc.gov/eb/cpni>. Noel further confirms that it may not notify the customer or disclose such breach to the public until seven (7) full business days have passed following Noel's notification of the Secret Service and the FBI.

5. **Recordkeeping of CPNI Breaches:** Noel shall, for a minimum of two (2) years, maintain electronically or otherwise a record of:

- (a) any CPNI breaches it discovers;
- (b) any notifications thereof it furnishes to the Secret Service and the FBI;
- (c) any notifications of CPNI breaches it furnishes to customers;
- (d) the dates of such discoveries and notifications;
- (e) detailed descriptions of the CPNI that was breached; and
- (f) the circumstances of each such breach.

6. **Employee Training in CPNI Compliance:** Before any Noel employee is called upon to handle customer inquiries regarding and requests for CPNI, he or she must first receive training with respect to the requirements imposed by 47 C.F.R. §§ 64.2001 through 64.2011. Noel maintains written confirmation that each such employee has received the requisite CPNI training.

7. **Disciplinary Process:** Noel has established, pursuant to 47 C.F.R. § 64.2009(b), and will readily invoke its employee disciplinary process with respect to any representative of its company who has failed to adhere to the obligations imposed by the Commission's CPNI rules.